UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,923	11/27/2000	Terence Leong	188424/US	4941

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EXAMINER
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ART UNIT	PAPER NUMBER
2178	

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10/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/722,923	LEONG ET AL.
	Examiner	Art Unit	
	Matthew J. Ludwig	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 September 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,2,5-10,14-19,22-27,31-36,39-44,48-53 and 56-59* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 2, 5-10, 14-19, 22-27, 31-36, 39-44, 48-53, and 56-59* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: After-Final Amendment received

9/19/2007.

2.   Claims 1, 2, 5-10, 14-19, 22-27, 31-36, 39-44, 48-53, and 56-59, are pending in the

application.

3.   The rejected claims 1, 2, 5-10, 14-19, 22-27, 31-36, 39-44, 48-53, and 56-59, under 35

U.S.C. 103(a) as being unpatentable over Fong in view Bernstein, have been withdrawn pursuant

to applicant's amendment.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   **Claims 1, 2, 5-10, 14-19, 22-27, 31-36, 39-44, 48-53, and 56-59, are rejected under 35**

U.S.C. 103(a) as being unpatentable over Bierman, 'Using XML as an Object Interchange

Format', published 5/17/2000, pages 1-13 in view of Mui et al., Pat. Pub. No. US

2003/0229529 filed (2/23/2001).

In reference to independent claim 1, Bierman teaches:

How to use XML as an object interchange format for multiple programming languages

including Java, C++, and Smalltalk (compare to *"receiving instances of two different objects*

implemented in two different programming languages"). See Bierman, page 1.

Bierman discloses the generation of XML structured documents including attribute and attribute values for multiple objects implemented in Java, C++, and Smalltalk (compare to *"generating at least a first and second structured document representing the instances of objects which include a representation of the attributes and attribute values in the second object"*). See Bierman, pages 2-5.

The ODMG objects can be encoded in a XML-based language and utilized as a means for the interchange of object databases (compare to *"adding content of the structured documents representing the objects into the database"*). See Bierman, pages 4-12.

The reference teaches and is focused in the area of object specification languages. Furthermore, the reference discloses XML, a standard for data exchange, as an object interchange format because it of it's growing popularity, particularly on the Internet. The reference fails to explicitly state the specific application program utilized in retrieving data. However, the Mui reference provides both XML based API's and Java based API's. The applications are provided along with both a Java Virtual Machine and a XML translator to provide objects representations to users. It would have been obvious to one of ordinary skill in the art having the teachings of Bierman and Mui before them at the time the invention was made, to modify the XML object representations taught by Bierman to include the translation tools and application interfaces of Mui, because it would have given the end user multiple applications written in multiple languages for interpreting XML object representations in a business/web environment.

In reference to dependent claim 2, Bierman teaches:

How to use XML as an object interchange format for multiple programming languages

including Java, C++, and Smalltalk. See Bierman, page 1. Bierman discloses the generation of

XML structured documents including attribute and attribute values for multiple objects

implemented in Java, C++, and Smalltalk. See Bierman, pages 2-5.

In reference to dependent claim 5-7, Bierman teaches:

The reference defines a new XML document type, OIFML, and show how it can be used

to specify ODMG-objects databases. See Bierman, pages 2 and 12.

In reference to dependent claim 8, Bierman teaches:

The reference provides a means of instantiating objects from a same class when it

describes the same set of attribute values for an object. See Bierman, pages 4-12.

In reference to claims 9, 10, 14-19, 22-27, 31-36, 39-44, 48-53, and 56-59, the limitations

reflect similar language found in the rejected claims 1, 2, 5-7, and 8. Therefore, the claims are

rejected under similar rationale.

Response to Arguments

6.   Applicant's arguments with respect to claims 1, 2, 5-10, 14-19, 22-27, 31-36, 39-44, 48-

53, and 56-59, have been considered but are moot in view of the new ground(s) of rejection. In

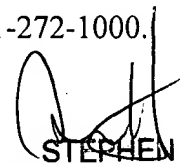the Examiner's updated search a reference was found to reject applicant's claimed invention.

Conclusion

7.　　Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

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